

ORDINANCE NO. 99-374

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS,
ADDING CHAPTER 8 TO TITLE 3 OF THE LOS ALTOS MUNICIPAL CODE
TO PROHIBIT SOLICITATION FROM VEHICLES AND PEDESTRIANS
WITHIN THE PUBLIC RIGHT OF WAY, WHERE SIGNS HAVE BEEN POSTED

I. The Council hereby finds as follows:

A. This Ordinance is categorically exempt from environmental review under section 15308 of the regulations adopted pursuant to Public Resources Code section 21,000 et seq.

B. Solicitation of work, money or other things of value or sales of merchandise between occupants of vehicles in the roadway and persons within the public right of way distracts drivers from their legal obligation and duty to be observant for traffic and road hazards, pedestrians, traffic control signals, warnings, and other conditions arising from the act of driving a motor vehicle in a safe manner;

C. Solicitation between occupants of vehicles in the roadway and persons within the public right of way impedes, delays, and obstructs the free flow of traffic on City streets, and results in congestion and blockage of the streets, driveways, and sidewalks when persons approach vehicles or station themselves immediately appurtenant to traffic lanes for the purpose of solicitation, negotiation or other interplay with the occupants of said vehicles and when drivers slow or stop their vehicles engage in the solicitation or negotiation or to respond thereto from such persons;

D. The aforesaid activity is hazardous not only to the persons in the public right of way, and the motorists directly affected, but also to other passing motorists;

E. The aforesaid activities are a public nuisance under California law and the Los Altos Municipal Code, and should be abated, mitigated or reduced in magnitude by lawful means to the maximum extent possible;

F. The City engages in extensive activities to mitigate or remove hazards to safe motoring, distractions to motorists, unsafe road conditions and anything else which can be a contributing factor in a collision;

G. The aforesaid hazardous conditions and public nuisance are greatest in areas of the City along thoroughfares such as the State highway, and where a large number of persons and motorists gather on a daily basis to engage in solicitation or negotiation as set forth herein above;

H. The cumulative impact of the aforesaid activities causes a safety hazard and is a significant and substantial risk to the interests of the public in the free flow of travel and the safety thereof within the City.

II. Based in part upon the foregoing findings and upon studies conducted by the City Staff, and other information made available to it, the City Council of the City of Los Altos does hereby ordain as follows:

Section 1.: Chapter 8 is hereby added to Title 3 of the Los Altos Municipal Code to read as follows:

Chapter 8. SOLICITATION PROHIBITED

Section 3-8.010. Definitions. As used in this chapter, the following words and phrases shall have the following meaning:

- a. Business. "Business" means any type of product, good, service, or activity that is provided or performed, or offered to be provided or to be performed, in exchange for money, labor, goods, or any other form of consideration or a thing of value.
- b. Employment. "Employment" means services, industry, or labor performed by a person for wages, a fixed sum, or other compensation or thing of value, or under any contract or hire, written, oral, express, or implied.
- c. Solicit. "Solicit" means any request, offer, enticement or action which announces the availability for or of employment, the sale of goods, or a request for money or other property; or any request, offer, enticement or action which shows intent or desire to purchase or secure goods or employment, or to make a contribution of money or other property. Solicitation shall include participation in discussions undertaken in response to the solicitation by another person. A solicitation shall be deemed complete when made whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money or other property takes place.
- d. Public Right of Way. "Public Right of Way" means public streets, highways, roadways, and sidewalks, including driveways.

Section 3-8.020. Solicitation Prohibited.

- a. It shall be unlawful for any person occupying any vehicle, whether driver or passenger, in the roadway in a posted no vehicle solicitation zone to solicit, or attempt to solicit, any person standing, sitting, walking or riding any non-motorized conveyance, within the public right of way;
- b. It shall be unlawful for any person, while standing, sitting, walking, or riding any non-motorized conveyance within the public right of way, in a posted no vehicle solicitation zone, to solicit or attempt to solicit any person traveling in a vehicle within the roadway.

Section 3-8.030. No Vehicle Solicitation Zones.

- a. Every raised median in the City, El Camino Real, Foothill Expressway, San Antonio Road and Sherwood Lane are hereby declared to be no vehicle solicitation zones anywhere within the city.

b. The Chief of Police may declare additional no vehicle solicitation zones when he or she finds, based on traffic volume, visibility, proximity to public schools or other institutions, the nature of adjacent property, interference with lawful business of owners or tenants immediately adjacent to an area, and other considerations of traffic, public nuisance and public safety, that solicitation within any such area or areas would degrade the conditions previously existing before any solicitation, or would, if continued, constitute a public nuisance, or is otherwise adversely affecting the public peace, health, safety and welfare.

Section 3-8.040. Signs Required. When solicitation is prohibited by this code, signs shall be posted along at least every 100 feet of the public property or right of way wherever said prohibitions are to be enforced.

Section 3-8.050. Violation an Infraction. Violation of this Chapter is an infraction, punishable as provided by law.

Section 2.: Publication. This ordinance shall be published as provided in Government Code section 36933.

Section 3.: Effective Date. This ordinance shall become effective upon the commencement of the 61st day following the date of its passage and adoption.

The above and foregoing ordinance was duly and properly introduced at a regular meeting of the Los Altos City Council held on July 13, 1999, and was thereafter, at a regular meeting of the Los Altos City Council held on July 27, 1999, duly passed and adopted by the following roll call vote:

AYES: Mayor Becker, Councilmembers Casto, La Poll, and Lear

NOES: None

ABSENT: Councilmember Moss


Mayor

ATTEST:


City Clerk